

## P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Mark Agro et al. Confirmation No. 8307  
 Serial No.: 10/825,250 Examiner: M. Mendez  
 Filed: April 14, 2004 Group Art Unit: 3763  
 Docket No.: 1001.1698104 Customer No.: 28075  
 For: SINGLE OPERATOR EXCHANGE BILIARY CATHETER

Mail Stop Amendment  
 Commissioner for Patents  
 PO Box 1450  
 Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT (37 C.F.R. 1.321(c))**CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8 (1)(B))**

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office at 703-872-9306 on the date shown below.

Kathleen L. Bockley  
 Type or print name of person signing certification

Kathleen L. Bockley June 8, 2005  
 Signature Date

The owner, Boston Scientific Corporation, of full interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,921,971. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent

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Appl. No. 10/825,250  
Term. Disc. dated June 8, 2005  
Reply to Office Action of March 22, 2005

granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

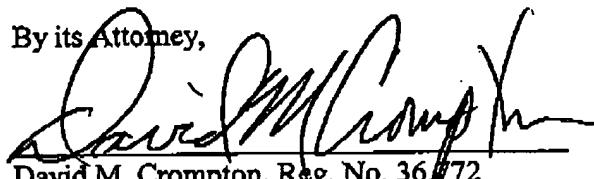
The undersigned is an attorney of record.

As indicated on the Fax Transmission Cover Letter, Applicants authorize the terminal disclaimer fee of \$130 to be charged to Deposit Account No. 50-0413.

Respectfully submitted,

Boston Scientific Corporation

By its Attorney,



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